



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2141

DATE SCANNED 12-22-16

SCANNER NO. 2

SCAN OPERATOR Ambo

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 JUN -9 A 11: 55

June 9, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NME* NATALIYA IOFFE/RHIANNON MAGRUDER/IAN WANDNER *DM IW*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 April Quarterly Report in accordance with 2 U.S.C. § 434(a). The April Quarterly Report was due on April 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 APRIL QUARTERLY Not Election Sensitive 04/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2126	C00392280	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$259,403	1	4/21/2010	6	\$41,391	\$400
2127	C00161570	AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC		MICHELLE LYNN CHANDLER	\$136,070	0	4/28/2010	13	\$42,732	\$460
2128	C00406041	ARLINGTON DEMOCRATIC JOINT FEDERAL CAMPAIGN		JEAN MARSHALL CRAWFORD	\$123,749	0	5/5/2010	20	\$20,000	\$210
2129	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$102,867	2	4/30/2010	15	\$4,501	\$150
2130	C00467506	BOWERS FOR CONGRESS	BOWERS, RUSSELL WESLEY	RICHARD WAYNE BLAKE	\$187,344	0	4/26/2010	11	\$108,849	\$2,035
2131	C00451104	BYRON LEE FOR CONGRESS	LEE, BYRON LYNN	LESTER DUNN JR	\$297,406	1	4/23/2010	8	\$12,200	\$187
2132	C00420125	CHIANG RATEL AND YERBY INC PAC		DAVID W. HAYS	\$105,653	0	4/27/2010	12	\$18,750	\$170
2133	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K.	DIERDRE K. SCOZZAFAVA	\$762,971	0		Not Filed	\$254,324 (est)	\$8,800
2134	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$132,268	0	4/29/2010	14	\$24,532	\$180

2136	C00467670	PAGLIUCA FOR SENATE	PAGLIUCA, STEVE	SANJAY SAIMI	\$16,692,686	0	5/18/2010	Not Filed	\$32,813	\$990
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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA 6/9/2010	RTTB/Penalty
2137	C00252825	PLUMBERS UNION LOCAL 890 POLITICAL ACTION COMMITTEE		JOHN I. KANE	\$434,238	0	4/21/2010	6	\$85,723	\$1,100
2138	C00452995	POSTMA FOR CONGRESS	POSTMA, JAMES LEE	JAMES LEE POSTMA	\$167,294	0		Not Filed	\$41,824 (est)	\$990

2141	C00457952	SEAN SALAZAR FOR SENATE	SALAZAR, SEAN COREY	SEAN SALAZAR	\$105,794	0		Not Filed	\$26,449 (est)	\$990
2142	C00466771	SURGICAL INSTITUTE OF READING LP-PAC; THE		STEPHEN P. BANCO	\$119,149	0		Not Filed	\$119,149 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
April Quarterly Report for the)
Administrative Fine Program:)

ARLINGTON DEMOCRATIC JOINT) AF# 2128
FEDERAL CAMPAIGN, and JEAN)
MARSHALL CRAWFORD as treasurer;)
BI-COUNTY POLITICAL ACTION) AF# 2129
COMMITTEE (FKA SUFFOLK PAC), and)
IRA LAMEL as treasurer;)
LIBERTARIAN PARTY OF INDIANA,) AF# 2134
and TODD SINGER as treasurer;)
AMERICAN PUBLIC POWER) AF# 2127
ASSOCIATION, PUBLIC OWNERSHIP)
OF ELECTRIC RESOURCES PAC, and)
CHANDLER, MICHELLE LYNN as)
treasurer;)
CHIANG PATEL AND YERBY INC PAC,) AF# 2132
and DAVID W HAYS as treasurer;)
BOWERS FOR CONGRESS, and) AF# 2130
RICHARD WAYNE BLAKE as treasurer;)
BYRON LEE FOR CONGRESS, and) AF# 2131
LESTER DUNN JR as treasurer;)

ACE CASH EXPRESS INC PAC, and) AF# 2126
DAVID DODSON as treasurer;)
PLUMBERS UNION LOCAL 690) AF# 2137
POLITICAL ACTION COMMITTEE, and)
KANE, JOHN I. as treasurer;)
DEDE FOR CONGRESS INC, and) AF# 2133
SCOZZAFAVA, DIERDRE K as treasurer;)
PAGLIUCA FOR SENATE, and SANJAY) AF# 2136
SAIMI as treasurer;)

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POSTMA FOR CONGRESS, and JAMES AF# 2138
LEE POSTMA as treasurer;

SEAN SALAZAR FOR SENATE, and) AF# 2141
SEAN SALAZAR as treasurer;)
SURGICAL INSTITUTE OF READING) AF# 2142
LP-PAC; THE, and STEPHEN P BANCO)
as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 09, 2010, on the following committees:

AF#2128 Decided by a vote of 6-0 to: (1) find reason to believe that ARLINGTON DEMOCRATIC JOINT FEDERAL CAMPAIGN, and JEAN MARSHALL CRAWFORD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2129 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2134 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2127 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC, and CHANDLER, MICHELLE LYNN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2132 Decided by a vote of 6-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2130 Decided by a vote of 6-0 to: (1) find reason to believe that BOWERS FOR CONGRESS, and RICHARD WAYNE BLAKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2131 Decided by a vote of 6-0 to: (1) find reason to believe that BYRON LEE FOR CONGRESS, and LESTER DUNN JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2126 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASH EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and

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make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2137 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS UNION LOCAL 690 POLITICAL ACTION COMMITTEE, and KANE, JOHN I. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2133 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2136 Decided by a vote of 6-0 to: (1) find reason to believe that PAGLIUCA FOR SENATE, and SANJAY SAIMI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2138 Decided by a vote of 6-0 to: (1) find reason to believe that POSTMA FOR CONGRESS, and JAMES LEE POSTMA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2141 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN SALAZAR FOR SENATE, and SEAN SALAZAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2142 Decided by a vote of 6-0 to: (1) find reason to believe that SURGICAL INSTITUTE OF READING LP-PAC; THE, and STEPHEN P BANCO as treasurer

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Federal Election Commission
Certification for Administrative Fines
June 10, 2010

Page 5

violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 10, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2010

Sean Salazar, in official capacity as Treasurer
Sean Salazar for Senate
7631 212th St., S.W., 108c
Edmonds, WA 98026

C00457952
AF#: 2141

Dear Mr. Salazar:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2010, shall be filed no later than April 15, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 10, 2010, the FEC found that there is reason to believe ("RTB") that Sean Salazar for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by July 20, 2010, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$26,449
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or July 20, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Sean Salazar for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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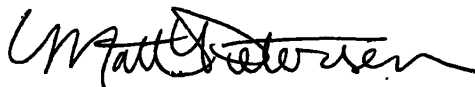
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiamon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 20, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Sean Salazar for Senate

FEC ID#: C00457952

AF#: 2141

PAYMENT DUE DATE: July 20, 2010

PAYMENT AMOUNT DUE: \$990

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FEC OFFICE OF
ADMIN REVIEW

2010 JUL 14 P 3:19

RECEIVED
2010 JUL -8 PH 12:19

SECRETARY OF THE SENATE
10 JUL -8 PH 3:20

July 6, 2010

FEC Office

RE: Sean Salazar for Senate Campaign in Washington State

FEC#: C00457952

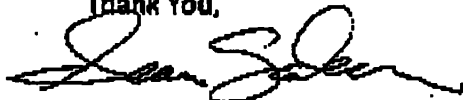
Re: Letter of Dissent

This is a protest to FEC letter dated June 11, 2010. Your letter states that the quarterly report, which covers period from January 1, 2010 through March 31, 2010, was not received by the FEC. However, the report was mailed via US Postal service on April 14, 2010. We noticed that it was not posted online over 30 days later. We were not familiar with the general posting times of the FEC and estimated that the department would eventually post it. After we received a letter indicating that the report was not received a call was placed to xxxxxx (name unknown) around June 12, 2010. The person we spoke to over the phone indicated that it may have been lost in the mail or misplaced within the department and we would get a call back to let us know if the report was in process. A return call was not received and we again estimated that it was found and would eventually be posted. Another letter arrived indicating that the report was not received. Therefore, I called to find out what was going on. The person I recently spoke indicated no report had been found in the records, and indicated that writing a letter explaining the series of events would be helpful.

I also informed xxxxx that our campaign was terminated and we will submit an official termination report to the FEC.

Please find attached a copy of the original report, which was sent to your Washington D.C. office on April 14, 2010. If there are any further questions or correspondences please use the number and address below.

Thank You,



Sean Salazar

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

July 15, 2010

Sean Salazar, in his official capacity as Treasurer
Sean Salazar for Senate
7631 212th Street SW 108C
Edmonds, WA 98026

C00457952
AF# 2141

Dear Mr. Salazar:

On July 14, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Acting Reviewing Officer
Office of Administrative Review

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**FEC OFFICE OF
ADMIN REVIEW**

2010 JUL 16 P 12:35

Date: July 16, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2141

Committee Name: Sean Salazar for Senate

Committee ID#: C00457952

Committee Address (if different than in RTB letter):

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated June 9, 2010 and RTB Certification,
dated June 10, 2010: Previously Forwarded**

Attachment #: N/A

Signature Proof of Delivery (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 April Quarterly Report Prior Notice, dated March 26, 2010.

-Non-Filer Letter, dated May 5, 2010.

-RTB Letter, dated June 11, 2010.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

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DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Sean Salazar for Senate:
 - A) Prior Notice, dated March 26, 2010, referencing the 2010 April Quarterly Report (sent via electronic mail to: sean@seanforsenate.com);
 - B) Non-Filer Letter, dated May 5, 2010, referencing the 2010 April Quarterly Report;
 - C) Reason-to-Believe Letter, dated June 11, 2010, referencing the 2010 April Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Sean Salazar for Senate filed the 2010 April Quarterly Report with the Secretary of Senate on July 6, 2010.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.

This declaration was executed at Washington, D.C. on the 16th day of July, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

March 26, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REPORTING PERIOD END DATE	FILING DEADLINE
April Quarterly	03/31/10	04/15/10	04/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	REPORTING PERIOD END DATE	FILING DEADLINE
July Quarterly	06/30/10	07/15/10	07/15/10
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- [Congressional Committees](#)
- [Parties and PACs](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 32 [PDF].

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PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22.

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

10092651933



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 2010

RQ-7

SEAN SALAZAR, TREASURER
SEAN SALAZAR FOR SENATE
7681 212TH ST SW INFC
EDMUNDS, WA 98026

IDENTIFICATION NUMBER: C00457952

REFERENCE: APRIL QUARTERLY REPORT 1/1/2010 - 3/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 B STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICIAL UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

10030322545



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 SEP -2 A 11: 58

SENSITIVE

September 2, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer *APC*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2141 – Sean Salazar for Senate
and Sean Salazar, in his official capacity as Treasurer (C00457952)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

10092651935



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 2, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2141 – Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer
(C00457952)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty.

Reason-to-Believe Background

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 April Quarterly Report and made a preliminary determination that the civil money penalty was \$990, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on June 11, 2010 of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending March 31 no later than April 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g)(1) and 11 C.F.R. § 105.2. Reports sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, must be postmarked, or deposited with the mailing service, no later than the April 15 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge and Analysis

On July 14, 2010, the Commission's Office of Administrative Review ("OAR") received the written response ("challenge") from the Treasurer, along with a copy of the 2010 April Quarterly Report, challenging the RTB finding. The Treasurer states that the report was mailed via U.S. Postal Service ("USPS") on April 14 and when the report did not appear online 30 days later, they "estimated" that it would eventually be posted. After being notified by letter that the report was not received, a call was made to the Commission around June 12, 2010 and they were told the report may have been lost in the mail or misplaced by the department. They did not

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receive a follow-up phone call regarding whether the report was in process and again "estimated" that the report was found and would be posted. The Treasurer called the Commission again after receiving a second letter indicating that the report was not filed. He was told that the report could not be found in the Commission's records and advised to write a letter explaining the series of events surrounding the filing of the report. Additionally, he informed the person he spoke with that the campaign was terminated and a termination report would be submitted.

Contact with Respondents about Filing Report:

The respondents were notified before the filing deadline of the requirement to file the April Quarterly Report. RAD records indicate that following the filing deadline, they were notified in writing and in conversation with Commission staff that the report had not been received.

- On March 26, 2010, the Commission sent the Prior Notice for the April Quarterly Report via email to sean@seanforsenate.com, the email address listed on their Statement of Organization.
- On May 5, 2010, the Commission sent a non-filer notice, referencing the April Quarterly Report, to the respondents at their address of record.
- On June 9, 2010, after hearing on the news that he may be fined, the Treasurer called inquiring about the possibility. The RAD Analyst informed him of the need to file the April Quarterly Report and told him that while he could not say whether he would be fined, the best way to avoid fines was to file timely reports. The Treasurer also asked about terminating the Committee and the RAD Analyst advised him to file a Termination Report.
- On June 11, 2010, the RTB letter, referencing the April Quarterly Report, was sent to the respondents at their address of record. It was received on June 14.
- On June 22, 2010, the Treasurer called the RAD Analyst indicating that his wife had previously spoken to someone at the Commission, but did not know the person's name. He stated that he was fined because his report was lost in the mail. The RAD Analyst asked if he had a receipt, he stated he did not and was transferred to the Compliance Branch for further assistance. He told the Compliance Analyst he sent his report on time and would be sending another copy of the report, as well as a challenge to the fine, because the original report was not appearing on the Commission's website. The Compliance Analyst advised him to send both the challenge and the report by a traceable method.

The respondents state that they noticed over a month after mailing the report on April 14, that it did not appear on the Commission's website. The non-filer notice, however, was sent to them on May 5, three weeks after the April 15 due date, informing them that the report had not been filed. They waited more than a month after the non-filer notice was sent, before contacting the Commission regarding the April Quarterly Report on June 9 after hearing on the news of a potential fine for failing to file the report. The respondents were advised at this time to file the report, as it had not yet been received.

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Upon receiving the RTB letter on June 14, the respondents waited eight days before contacting the Commission on June 22 stating that they were being fined because the report was lost in the mail. They indicated that they would be mailing another copy of the report, along with a challenge to fine.

In his challenge, the Treasurer asserts that the April Quarterly Report was originally mailed via USPS on April 14. OAR, therefore, sent a supplemental request to the respondents on July 19 asking for clarification of the means of delivery used to mail the report on April 14 and requesting that they provide supporting documentation if one of the "safe harbor" methods, provided for at 2 U.S.C. § 434(a)(5), was used. The respondents did not provide a response to the supplemental request or two follow-up calls made by the Reviewing Officer.

Committees should retain proof of mailing of reports to the Commission. 11 C.F.R. § 104.5(i). The respondents provide no evidence that they availed themselves of one of the "safe harbor" methods when mailing their report, which was not received by the Commission or the Secretary of the Senate, on April 14. Commission records indicate that the April Quarterly Report was filed, along with the challenge, on July 6, via FedEx overnight delivery and received by the Secretary of the Senate on July 8. According to the Superintendent of the Office of Public Records, Secretary of the Senate, this is the only April Quarterly Report received from the respondents.

Under the administrative fine regulations, two of the criteria used to calculate the civil money penalty are the level of activity and whether the report is considered filed late or not filed. The level of activity is defined as the total amount of receipts and disbursements for the period covered by the report. 11 C.F.R. § 111.43(d)(3)(i). A report is considered to be not filed if it is filed more than 30 days after the due date. 11 C.F.R. § 111.43(e)(1). The April Quarterly Report was filed 82 days after the due date and is therefore considered not filed for the purposes of administrative fine calculations.

At the time of the RTB finding, the Commission had not received the respondents' report; therefore, an estimated level of activity (\$26,449) was used to calculate the civil money penalty. The April Quarterly Report, received on July 6, 2010, discloses total receipts of \$12,691 and total disbursements of \$12,867. The actual level of activity (\$25,558) falls within the same \$25,000-\$49,999.99 bracket on the schedule of penalties, resulting in no change to the civil money penalty calculated at RTB; $\$990 \times [1 + (.25 \times 0)]$ or \$990.

The challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2141 involving Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2141 that Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – _____

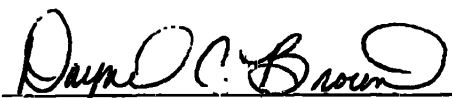
Attachment 3 – _____

Attachment 4 – Declaration from RAD _____

Attachment 5 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2010 April Quarterly Report is due April 15, 2010. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by first class mail are considered filed on the date of receipt. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it must be postmarked, or delivered to the service, by the close of business on April 15 to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and the documents identified herein are the true and accurate copies of:
- (a) Page 1 of the Statement of Organization filed by Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer. According to the Commission's records, the document was received on December 17, 2008 and lists "sean@seanforsenate.com" as the Committer's email address;
 - (b) Page 1 of the Summary Page and Pages 3 and 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2010 April Quarterly Report filed via Federal Express overnight delivery by Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer. According to Commission records, the report covers the period from January 1 through March 31, 2010 and was sent on July 6, 2010 and received on July 8, 2010. Line 16 lists \$12,691.02 in total receipts and Line 22 lists \$12,867.71 in total disbursements for the period.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 2nd of September, 2010.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

10092651940

FEC
FORM 1

STATEMENT OF
ORGANIZATION

SECRETARY OF THE SENATE

08 DEC 17 AM 11:16

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

12FB4M5

Sean Salazar For Senate

ADDRESS (number and street)

7631 212TH ST SW 100C



(Check if address
is changed)

Edmonds

WA

98026

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

Sean.Salazar@senatefor.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.SeanForSenate.com

COMMITTEE'S FAX NUMBER

2. DATE

12 17 2008

3. FEC IDENTIFICATION NUMBER

C

ID# SOWA00209

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Sean Salazar

Signature of Treasurer

Sean Salazar

Date

12 17 2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-435-8530
Local 202-694-1100

FEC FORM 1
(Revised 12/2007)

FE100B12.PDF

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28626613654

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2000)

Page 3

Write or Type Committee Name:

SEAN FOR SENATE

Report Covering the Period: From: 01 01 2010 to: 03 31 2010

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (Use Schedule A).....	4,053.77	22,639.82
(ii) Unitemized.....	3,565.33	8,919.12
(iii) TOTAL of contributions from individuals.....	7,619.10	31,558.94
(b) Political Party Committees.....	0.	0
(c) Other Political Committees (such as PACs).....	0	1,040.00
(d) The Candidate.....	0	0
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(ii), (b), (c), and (d))..	7,619.10	32,598.94
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.	0
13. LOANS:		
(a) Made or Guaranteed by the Candidate.....	5,071.92	29,535.96
(b) All Other Loans.....	0	0
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	5,071.92	29,535.96
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0	0
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0	0
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....	12,691.02	62,134.90

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DETAILED SUMMARY PAGE of Disbursements

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	10,732.71	50,797.71
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0	0
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0	0
(b) Of All Other Loans.....	0	0
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0	0
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0	0
(b) Political Party Committees.....	0	0
(c) Other Political Committees (such as PACs).....	0	0
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0	0
21. OTHER DISBURSEMENTS.....	2,135.00	14,868.16
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	12,867.71	65,665.87

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	86,327
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	12,691,027
25. SUBTOTAL (add Line 23 and Line 24).....	12,777,354
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	12,867,771
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	80,377

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10020455529

NANCY ERICKSON
SECRETARY

DANA E. MCGALLUM
SUPERINTENDENT

U.S. SENATE OFFICE BUILDING
SUITE 233
WASHINGTON, DC 20510-7118
PHONE: (202) 224-8372

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____
Date of Receipt

USPS FIRST CLASS MAIL _____
Postmark

USPS REGISTERED/CERTIFIED _____
Postmark

USPS PRIORITY MAIL _____
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____
Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS

7-6-10

☐

UPS

☐

DHL

☐

AIRBORNE EXPRESS

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION _____
Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX _____
Date of Receipt

OTHER _____
Date of Receipt or Postmark

PREPARER

RA

DATE PREPARED

7/8/10

10092651945

10020433346



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

September 7, 2010

Sean Salazar, in his official capacity as Treasurer
Sean Salazar for Senate
7631 212th Street SW, #108C
Edmonds, WA 98026

C00457952
AF# 2141

Dear Mr. Salazar:

On June 10, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Sean Salazar for Senate and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

10092651946



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 2010

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director

From: Patricia Carmona
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2141 – Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer (C00457952)

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 April Quarterly Report and also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 14, 2010, the Office of Administrative Review received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated September 2, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$990 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

10092651947

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2141 involving Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2141 that Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$990; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2141
Sean Salazar for Senate and Sean)
Salazar, in his official capacity as)
treasurer (C00457952))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 13, 2010, the Commission decided by a vote of 6-0 to take the following actions in AF 2141:

1. Adopt the Reviewing Officer recommendation for AF 2141 involving Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2141 that Sean Salazar for Senate and Sean Salazar, in his official capacity as Treasurer, violated 2 U.S.C § 434(a) and assess a civil money penalty of \$990.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision

Attest:

October 13, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

10092651949



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 25, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sean Salazar, in his official capacity as Treasurer
Sean Salazar for Senate
7631 212th Street SW, 108C
Edmonds, WA 98026

C00457952
AF# 2141

Dear Mr. Salazar:

On June 10, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Sean Salazar for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 April Quarterly Report. By letter dated June 11, 2010, the Commission sent your notification of the RTB finding that included a civil money penalty calculated at RTB of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 14, 2010, the Office of Administrative Review received the written response from you challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Sean Salazar for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$990 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on September 7, 2010.

On October 13, 2010, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Sean Salazar for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$990. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the

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respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

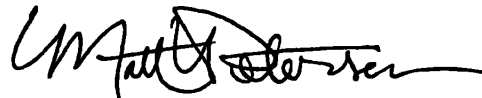
If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$990 for the 2010 April Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Sean Salazar for Senate

FEC ID#: C00457952

REPORT: April Quarterly Report

AF#: 2141

PAYMENT AMOUNT DUE: \$990

RECEIVED
2010 OCT 25 AM 11:27
FEC MAIL CENTER

October 18, 2010

Federal Election Commission
Attn: Alternative Dispute Resolution
Room 508E

999 E Street, NW
Washington, DC 20463

Attention: Lynn M Frasier

Re: Dispute of Fine Assessed to Sean Salazar Campaign SOWA00209, or C00457952

This is a letter is to appeal to a decision on an alleged violation of filing a late quarterly report. The April 2010 report was mailed to the FEC before the required deadline. When we noticed the report was not on the FEC website, we called the FEC and we were informed that it might have been lost. After several attempts to find out what happened to the report, we mailed a second copy to the FEC. We have explained this in an earlier letter.

We are still receiving letters from the FEC regarding this issue and informing me that the campaign was assessed a fine. After calling your office to resolve this matter, I was informed that if we do not have an actual receipt from the US Postal service that this fine would most likely be final. I disagree with the fine and please allow me to offer an actual witness that was with Jasmin Contreras on the day the report was dropped off at the mail office. This person would be more than happy to write a separate letter to anyone at the FEC clearly stating that she was with Jasmin Contreras and saw with her own eyes that the report was mailed as Jasmin Contreras stated that she did.

In addition, I want to again advice you that the campaign is over and has been over for over several months. I believe there is no logical reason to fine anyone for making an alleged mistake during the campaign that is no longer in operation.

I would like to bring resolution to this matter as soon as possible. Please advice who I can contact at the FEC to file a dispute for this fine. Thank you for your attention to this matter.

Sincerely,

Sean Corey Salazar

10092651953

FOR: Sean Salazar for Senate

FEC ID#: C00457952

REPORT: April Quarterly Report

AF#: 2141

PAYMENT AMOUNT DUE: \$990

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 010 \$ 0000099000 BA# 1 11-16-10 20 3



us bancorp.
The Sun Bank Company

SEAN COREY SALAZAR 7631 212TH ST SW STE 108C EDMONDS, WA 98026		1461
		11-12-2010
Pay to the Order of <u>FEC</u>		\$ 990 -
<u>ninety nine and 00/100</u>		Dollars
BANNER BANK 1-800-272-0833 www.bannerbank.com		
For TX# C00457952		



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2141

DATE SCANNED 12-22-10

SCANNER NO. 2

SCAN OPERATOR JMP

10092651955